

## **EXHIBIT A**

**Jonathan Neil Strauss**

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**From:** Jonathan Neil Strauss  
**Sent:** Friday, January 18, 2008 2:07 PM  
**To:** 'Christopher Serbagi'; 'david@marcusandgreben.com'  
**Cc:** 'Ted J. Minch'; Paula Colbath; Martin Pollner; Barry Slotnick  
**Subject:** Shaw Family Archives v. CMG Worldwide Inc.  
**Attachments:** NY\_697877\_1.DOC

Chris, enclosed please find our draft pre-trial order. As discussed, we reserve the right to further revise the draft as the week goes on.

You should be receiving shortly a production of some publicly available documents that are cited in our exhibits list, as well as a complete set of all "MC" documents that are cited in our list. Please let me know if you have any questions,

Jon

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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:  
SHAW FAMILY ARCHIVES, LTD. EDITH :  
MARCUS and META STEVENS, :  
  
Plaintiffs, :  
05 Civ. 3939 (CM)  
-against- :  
  
**CMG WORLDWIDE, INC., an Indiana** :  
**Corporation, and MARILYN MONROE, LLC,** :  
**a Delaware Limited Liability Company,** :  
  
Defendants. :  
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The parties having conferred among themselves and with the Court pursuant to Fed. R. Civ. Pr. 16, the following statements, directions and agreements are adopted as the Pretrial Order herein.

**I. NATURE OF THE CASE**

**[To be inserted]**

## **II. JURY/NON-JURY**

**[To be inserted]**

## **III. STIPULATED FACTS**

### **A. Domicile Issue**

1. Born Norma Jeane Mortenson on June 1, 1926, in Los Angeles General Hospital in California, Marilyn Monroe grew up and attended school in Los Angeles.
2. Marilyn Monroe's mother, Gladys Baker, was placed into an institution in California in 1935, and remained institutionalized in California for the remainder of Marilyn Monroe's life.
3. In 1942, at the age of sixteen, Marilyn Monroe married James Dougherty in California. The two divorced in September 1946. Marilyn Monroe resided in California during this time.
4. After marrying James Dougherty, Marilyn Monroe began modeling and, soon thereafter, signed her first motion picture contract with the Twentieth Century Fox studio, in Hollywood, in 1946.
5. In August 1946, Norma Jeane Dougherty adopted the name Marilyn Monroe in Los Angeles, California, at the direction of Ben Lyon, a talent agent at Fox.
6. In the years that followed, Marilyn Monroe appeared in numerous Hollywood films, including such hits as *How to Marry a Millionaire* and *Gentlemen Prefer Blondes*.
7. In or around 1952 and 1953, Marilyn Monroe resided at 882 North Doheny Drive in Beverly Hills, California, an address to which she would later return in August 1961.

8. On January 14, 1954, Marilyn Monroe married the San Francisco-based, world famous baseball player Joe DiMaggio, at City Hall in San Francisco, California. They divorced nine months later, in October 1954.

9. During their marriage, Marilyn Monroe and Joe DiMaggio initially lived at 2150 Beach Street in San Francisco, California, later moving to 508 North Palm Drive in Beverly Hills, California.

10. Marilyn Monroe continued to reside in Los Angeles, California following her divorce from Joe DiMaggio.

11. From the time of her birth until 1955, California was Marilyn Monroe's primary and/or exclusive state of residence.

12. On June 29, 1956 Marilyn Monroe married playwright Arthur Miller. They divorced on January 20, 1961.

13. During their marriage, Marilyn Monroe and Arthur Miller leased an apartment in Manhattan, and owned a home in Roxbury, Connecticut. During their marriage, they filed taxes as Connecticut, not New York, residents.

14. Marilyn Monroe studied at the Actors' Studio in New York with coaches Lee and Paula Strasberg.

15. Following her divorce from Arthur Miller, in August 1961 Marilyn Monroe again occupied an apartment at 882 North Doheny Drive, Beverly Hills, California.

16. In January 1962, Marilyn Monroe purchased the only home she ever owned, a Spanish bungalow located at 12305 Fifth Helena Drive in Brentwood, California.

17. Marilyn Monroe's Brentwood home bore on the front steps the inscription "Cursum Perficio," or "I have completed my journey."

18. On March 22, 1962, Marilyn Monroe received her 1962 Screen Actors Guild card and receipt at P.O. Box 64721, Los Angeles, California.

19. In 1961 and 1962, Marilyn Monroe took out insurance policies on the Beverly Hills apartment and her Brentwood home.

20. In 1961 and 1962, Marilyn Monroe maintained bank accounts at the City National Bank of Beverly Hills.

21. Marilyn Monroe had a Blue Cross card entitling her to benefits from the Hospital Service of Southern California.

22. In or around May 1962, Marilyn Monroe obtained a California dog license and certificate of rabies vaccination for her dog.

23. Marilyn Monroe obtained a California Drivers License, listing her address as Fifth Helena Drive, Los Angeles, California.

24. In July 1962, Marilyn Monroe changed the address on her Connecticut Drivers License to 12305 – 5th Helena Drive, Los Angeles, California.

25. In 1961 and 1962, Marilyn Monroe regularly attended psychotherapy sessions with Dr. Ralph Greenson in Los Angeles.

26. On August 5, 1962, Marilyn Monroe was found dead in her Brentwood, California, home.

27. Joe DiMaggio made the funeral arrangements for Marilyn Monroe, and she was later buried at the Westwood Memorial Cemetery, located at 1218 Glendon Avenue in Los Angeles, California.

28. Lee Strasberg delivered the eulogy at Marilyn Monroe's Los Angeles funeral services.

29. Marilyn Monroe's will was executed in New York in January 1961, at the same time as her divorce from Arthur Miller and before she returned to California. The will named Aaron Frosch, Marilyn Monroe's New York-based attorney, as the executor.

30. At the time of Marilyn Monroe's death, Aaron Frosch was suffering from multiple sclerosis.

31. Aaron Frosch was the executor of the Estate of Marilyn Monroe until his death in April 1989.

32. As executor of the Estate, Aaron Frosch made the decision to probate Marilyn Monroe's will in New York.

33. In her last will and testament Marilyn Monroe devised 75% of the "rest, residue and remainder of [her] estate, both real and personal, of whatsoever nature and wheresoever situate . . . to which [she] shall be in any way entitled" to Lee Strasberg, her close friend and acting coach.

34. The remaining 25% of the residuary estate was left to Dr. Marianne Kris.

35. During the probate of the Monroe Estate, both Lee Strasberg and Dr. Kris died, and their interests in the estate passed to the Estate of Lee Strasberg and to the Anna Freud Centre, respectively.

36. When Lee Strasberg died, his 75% rights in Marilyn Monroe's intangible personal property, including, but not limited to, any rights of publicity, trademarks, and copyrights, were devised and passed by will to Lee's wife, Anna Strasberg.

37. In July 2001, Anna Strasberg formed Marilyn Monroe LLC, and transferred to Marilyn Monroe LLC all of her 75% rights and interests in the intangible personal

property she held in the estate of Marilyn Monroe, including, but not limited to, any and all rights of publicity, trademarks, and copyrights.

38. Also in July 2001, the Anna Freud Centre, the holder of the remaining 25% rights and interests in the intangible personal property of the estate of Marilyn Monroe, (including, but not limited to, any and all rights of publicity, trademarks and copyrights), likewise transferred its interest to Marilyn Monroe LLC.

#### **B. Public Domain Issue**

1. Sam Shaw signed his Last Will and Testament on October 4, 1994.
2. Sam Shaw's residuary estate included a "collection of photographs, negatives, transparencies and any rights related to same."
3. Shaw bequeathed his residuary estate to the Trustees of the Sam Shaw Family Trust dated October 4, 1994.
4. Sam Shaw "deliberately excluded [his] son from participation in my estate and the Sam Shaw Family Trust."
5. The Sam Shaw Family Trust was the assignee of certain photographs, negatives and transparencies including those photographs, negatives and transparencies taken by Sam Shaw of Marilyn Monroe.
6. The Trust was created for the benefit of Sam Shaw, Meta Stevens and Edith Marcus, their husbands, and Sam Shaw's grandchildren and more remote descendants.
7. Upon Sam Shaw's death, the Trustees were directed to distribute income as follows: 5% to Harold Shaw; one-third of the balance to Meta Stevens; one-third of the balance to Edith Marcus; one-third of the balance to Sam's grandchildren who are at least 18 years of age.

8. The Trust was to terminate 21 years after the death of the survivor of Meta Stevens, Edith Marcus, their respective spouses and Sam's grandchildren.

9. Sam Shaw, as Settlor, deliberately excluded Larry Shaw from participation in the Sam Shaw Family Trust.

10. On April 22, 1998 Sam Shaw, as grantor and Sam Shaw, Edith Marcus and Meta Stevens as Trustees executed an Indenture of Trust.

11. Pursuant to the Indenture of Trust, Shaw transferred, assigned, set over and delivered to the Trustees Grantor's entire collection of photographs, negatives, transparencies, scripts, writings, books, works in progress and the copyrights and trademarks (if any) pertaining thereto created by the Grantor or by any other artist. The property described in Schedule A included photographs of Marilyn Monroe.

12. The Indenture of Trust provided that Sam Shaw as Grantor intentionally made no provision for his son Larry Shaw.

13. On or about November 8, 1985 Ian Woodner and Sam Shaw entered into a Partnership Agreement .

14. The Partnership was formed for the purpose of promoting, marketing and publishing the "Shaw Photographs" which consist of all the negatives, photographs and copies of photographs ever taken or made by Shaw in his lifetime excluding only those personal photographs of family, friends and scenes which were taken as personal mementos. The Shaw Photographs included photographs of Marilyn Monroe.

15. Ownership of the Photographs was provided for as follows:

16. In a January 26, 1992 letter agreement the Estate of Ian Woodner, as successors in interest to Woodner's interest in the Woodner-Shaw Corporation, assigned, conveyed and transferred to Sam Shaw all of the Estate's right, title and interest in and to the Woodner shares of the Corporation.

17. The January 26, 1992 letter agreement, which was signed by Shaw on behalf of Woodner-Shaw Corporation as its president, confirmed that the Corporation "is the owner of, among other items, all copyrights in and to the various photographs taken by Shaw, including, without limitation, certain photographs of Marilyn Monroe".

18. The letter agreement provides that the consideration for the assignment of rights to Shaw was that "in the event the Corporation and/or Shaw shall win or obtain any judgment, award or other monetary recovery (the Recovery) arising out of or related to any prosecution, settlement or compromise of any Copyright Action, the following shall apply with respect to the Corporation's and/or Shaw's obligations to the Estate in the distribution of the net proceeds thereof (i.e., after the payment of the reasonable legal fees and expenses incurred by the Corporation and/or Shaw in winning or obtaining the Recovery): (i) The Estate shall be entitled to the first \$25,000 of the Net Proceeds of any Recovery; and (ii) the Estate shall be entitled to sixty percent (60%) of the next \$291,567.00 of the new proceeds of any Recovery."

19. In or about 1994, Edith Shaw Marcus and Meta Shaw Stevens as temporary administrators of the Estate of Sam Shaw commenced an action in the Supreme Court of the State of New York, County of New York against Martin Bressler, Larry Shaw, Susan Shaw, Bressler & Bressler, Valerie Goodman, 1912 Productions, Inc., Marc Weinstein, individually and d/b/a Color Group.

20. On June 5, 2002, the parties settled the action upon the following terms and conditions:

- i) The Shaw Family Archives (“SFA”) was to be formed with Larry Shaw, Meta Shaw Stevens and Edith Shaw Marcus as principals.
- ii) Larry Shaw was to own 50% of SFA; Meta Shaw Stevens and Edith Shaw Marcus would each own 25% of SFA.
- iii) SFA “was to “own and take possession of … all of the photographs involved in the litigation.”
- iv) The photographs in issue included “each and every photograph shot by either Sam Shaw or Larry Shaw during the course of their respective careers, lifetimes ...”
- v) The settlement provided that “all of the photographs involved in this collection shall be the property – shall be deemed a part of the Shaw Family Archives.”

21. On or about November 23, 2004, the Honorable Emily Jane Goodman, Justice of the Supreme Court entered an Order in the action entitled Jeffrey P. Tunick v. Larry Shaw, Edith Shaw Marcus, Meta Shaw Stevens, Shaw Family Archives, et al. holding that “Shaw Family Archives, Ltd., a domestic corporation, was formed to take possession and ownership of all of the photographs involved in the Shaw action.

22. SFA is a family business.

23. The owners of SFA are Melissa Stevens, Meta Stevens, Cindi Conti, Robert Conti, Edith Marcus, David Marcus, Rebecca Marcus and the Estate of Larry Shaw.

### **RIZZOLI LITIGATION**

24. On March 23, 1999, Judge Koeltl decided the parties' motions for summary judgment in Sam Shaw, Edith Shaw Marcus, et al. v. Rizzoli International Publications, Inc., et al. The Court granted summary judgment to Rizzoli, finding that the following Shaw Works were in the public domain: Shaw photographs found on Pages 146 through 147 (8 photographs) of "Marilyn Monroe. The Life. The Myth.", Page 147 (1 photograph), Page 148 (1 photograph), Page 149 (1 photograph), Page 162 (1 photograph), Page 184 (3 photographs), and Page 248 (1 photograph). In each instance, the Court found that the photographs were published prior to 1964 and that the copyrights were not renewed in a timely fashion by Shaw.

### **MARILYN MONROE AS THE GIRL (The Ballantine Book)**

25. On June 24, 1955, Ballantine Books, Inc. published "Marilyn Monroe as the Girl" written by Stanley Kauffmann (text) and Sam Shaw (photographer).

26. The Ballantine Book contains a copyright notice "copyright, 1955 by Sam Shaw"

27. On or about June 30, 1955, Sam Shaw filed an Application for Registration of a claim to copyright and received from the Register of Copyrights a Copyright Registration Certificate identified as A193450.

28. The authors of the Ballantine Book did not renew the copyright prior to the expiration of the original term of copyright.

### **PUBLISHED PHOTOGRAPHS OF MARILYN MONROE**

29. The New York Journal American published three photographs of Marilyn Monroe on September 16, 1954.

30. The New York Herald Tribune published a photograph of Marilyn Monroe on September 16, 1954.

31. The New York Daily Mirror published a photograph of Marilyn Monroe on October 5, 1954.

32. The New York Daily Mirror published a photograph of Marilyn Monroe and a photograph of Marilyn Monroe and Joe DiMaggio on October 5, 1954.

33. Tempo published a photograph of Marilyn Monroe on December 27, 1954,

34. Modern Screen published three photographs of Marilyn Monroe in December, 1955.

35. The New York Post published photographs of a billboard advertisement of Marilyn Monroe in "The Seven Year Itch" on May 29, 1955.

36. In 1955, the New York World – Telegram and The Sun published a photograph of Marilyn Monroe.

**MARILYN AMONG FRIENDS by Sam Shaw and Norman Rosten**

37. On May 5, 1987, Henry Holt and Company, Inc. published the book "Marilyn Among Friends" by Sam Shaw and Norman Rosten.

38. The book contains the following copyright information: "Photographs copyright © 1972, 1979, 1987 by Sam Shaw and Ian Woodner.  
Text copyright © 1987 by Norman Rosten.

39. On or about September 6, 1988, the Register of Copyrights issued Copyright Registration Certificate TX2-400-879 to Norman Rosten as the claimant of a copyright of the "entire text" of "Marilyn Among Friends."

40. In November, 1977, Patricia Rosten as heir and successor in interest to Norman Rosten executed an Assignment of Copyright in Registration No. TX2-400-879 to Sam Shaw

and such Assignment was recorded in the United States Copyright Office in Volume 3417, Page 745.

41. On or about April 10, 1987, Sam Shaw sent a letter to Bloomsbury Publishing Limited and Norman Rosten in which Mr. Shaw states: I only agree to the responsibility of my photographs."

42. The photograph on Page 19 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 37.

43. The photograph on Page 23 of "Marilyn Among Friends" (far right) was previously published in "Marilyn Monroe as the Girl" on Page 95.

44. The photograph on the bottom right hand corner of page 26 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 48.

45. The photograph on Page 27 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 55.

46. The photograph published on Page 40 of "Marilyn Among Friends" was previously published on Page 69 of "Marilyn Monroe as the Girl".

47. The photograph published on Page 41 of "Marilyn Among Friends" was previously published on Page 60 of "Marilyn Monroe as the Girl".

48. The photograph published in the center on Page 42 of "Marilyn Among Friends" was previously published on Page 64 of "Marilyn Monroe as the Girl".

49. The photograph published on Pages 42 and 43 of "Marilyn Among Friends" was previously published on Page 65 of "Marilyn Monroe as the Girl".

50. The four photographs published on Page 45 of "Marilyn Among Friends" were previously published on Pages 62 , 65, 67 and 69 of "Marilyn Monroe as the Girl".

51. The photograph published on Page 46 of "Marilyn Among Friends" was previously published on Page 162 of the Rizzoli Book.

52. The photograph at the bottom of Page 49 of "Marilyn Among Friends" was previously published on Page 113 of "Marilyn Monroe as the Girl".

53. The photograph published on Page 57 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 117.

54. The photograph published on Page 60 of "Marilyn Among Friends" was previously published on Page 72 of "Marilyn Monroe as the Girl".

55. The photographs published on Page 62 of "Marilyn Among Friends" were previously published on Pages 123 and 124 of "Marilyn Monroe as the Girl".

56. The photograph published on Page 149 of "Marilyn Among Friends" was previously published on Page 89 of Marilyn Monroe as the Girl.

**ST. MARTIN'S PRESS LITIGATION/THE SEVEN YEAR ITCH Photos**

57. In 1993, Sam Shaw commenced a copyright infringement action against St. Martin's Press in the U.S. District Court for the Southern District of New York.

58. The Amended Complaint alleged that in 1953 Shaw "was retained by the Producer" of the Seven Year Itch as its "creative director". "Plaintiff's function was to act as a consultant to the Producer to develop publicity for the film, among other things to create appropriate still photography by others, and to promote the film."

59. Plaintiff stated in the Amended Complaint that he "was required to be, and was, on the movie set at all times that Marilyn Monroe was on the set."

60. Shaw took many photographs of Marilyn Monroe on the movie set in New York and in California, the most famous of which was the "Profile Flying Skirt" shot which depicts

Ms. Monroe in Profile, her skirt blowing in the wind over a subway grate, with Tom Ewell, her co-actor in the movie, looking on.

61. In addition, Shaw took photographs of Ms. Monroe nude in a bathtub.

62. Shaw acknowledged that he had permitted “selected photos” of the Flying Skirt Series and Profile Flying Skirt Photograph to be reproduced during the production and first distribution of *The Seven Year Itch*.

63. In 1972, Shaw authorized a poster of the Profile Flying Skirt Photograph to be reproduced for promoting a book and included a copyright notice © Sam Shaw 1972. The Registration Certificate was identified as TX51-061. A Supplemental Registration was filed on November 6, 1979 bearing Registration No. TX376-054.

64. On April 27, 1993, Shaw filed a registration for certain photographs and received Registration Certificate VA250941.

65. Shaw also filed a Copyright Registration for other photographs on May 5, 1993 and received a registration identified as VA251-671.

66. Shaw claimed that the eleven photographs which were the subject of the action against St. Martin’s Press were never published with Shaw’s authority.

67. In 1994, Sam Shaw commenced an action against Martin Bressler and others in New York State Supreme Court, County of New York. In his Complaint, Shaw claimed that his “photographic work includes some of the most well known images ever taken of numerous celebrities including Marilyn Monroe. Shaw claimed that he was the designer and photographer of the famous and iconographic “Flying Skirt” photos taken on the set of “*The Seven Year Itch*” in which she is pictured standing on a subway grate with her white skirt being blown by the apparent rush of air from an oncoming subway train.

**MARILYN: A BIOGRAPHY BY NORMAN MAILER**

68. On August 1, 1973, Alskog, Inc. and Norman Mailer published a book entitled "Marilyn: A Biography". Alskog, Inc. obtained a copyright registration certificate identified as TX51-061 as employer for hire for a compilation of photographs which were identified as previously published works of 24 photographers dating from 1960 through 1972.

69. On November 6, 1979, Alskog obtained Copyright Registration Form CA376-054 and provided amplified information indicating that some original photographs were first published in this book.

**MARILYN MONROE IN THE CAMERA EYE**

70. On July 14, 2001, David Marcus wrote the Copyright Office requesting special relief of the deposit requirement for the book entitled "Marilyn Monroe: In Camera Eye".

71. Mr. Marcus represented that "this book was first published in 1979 and contained never before published photographs of Marilyn Monroe".

72. Mr. Marcus submitted a Registration Certificate for Marilyn Monroe: In the Camera Eye identifying the author as Sam Shaw for photographs and text, the date of first publication as May 1, 1979, identified the copyright claimants as Edith Shaw Marcus and Meta Shaw Stevens as owners by virtue of a trust the daughters of the author.

73. The Registration Certificate, signed by Edith Shaw Marcus, represented that there were no prior registrations for this work or an earlier version of this work and stated "N/A" in response to a request to identify any pre-existing work or works on which this work is based on or incorporates.

74. Mr. Marcus identified a book entitled "The Joy of Marilyn in the Camera Eye". The copyright notice in that book is 1979 by Peebles Press International, Inc. and gives photo

credits to Sam Shaw for the cover page, title page, Pages 6, 7, 9 through 131, 152, 153 and back cover.

75. The following photographs in Marilyn Monroe in the Camera Eye were previously published in the following materials:

- a. Page 9 was previously published on the back cover of "Marilyn Monroe as the Girl";
- b. Page 19 was previously published on page 72 of "Marilyn Monroe as the Girl";
- c. Page 83 was previously published on page 106 of "Marilyn Monroe as the Girl";
- d. Page 107 was previously published on page 107 of "Marilyn Monroe as the Girl";

76. The Copyright Office granted a copyright registration certificate for Marilyn Monroe in the Camera Eye and issued Registration Certificate TX5-342-425.

#### **Shaw Copyright Registrations**

77. On or about April 27, 1993, Sam Shaw filed a Copyright Registration Certificate for the Flying Skirt Profile received from the Copyright Office Certificate of Registration Form VA567-136.

78. Shaw claimed that the Flying Skirt Profile was created in 1954 and first published in 1972. He also claimed prior registration TX-51-061 in 1978.

79. On June 4, 1996, Sam Shaw obtained Copyright Registration From TX4-289-054 for work entitled "Marilyn & Sam" which was identified as a contribution to a collective work

entitled "Marilyn Monroe the Life and the Myth, Pages 249-250. Shaw claimed the work was created in 1995 and first published in 1996. Shaw identified the nature of the work as an article.

80. On June 4, 1996, Sam Shaw registered a work entitled Sam & Marilyn and received from the Register of Copyrights Registration Certificate VA880-127 for a work which he identified as a compilation of photo images and text previously published as a contribution to "Marilyn Monroe the Life and the Myth." Shaw claimed the work was created and first published in 1995. Shaw identified a previous registration TX4-289-054 and stated that some of the photographs and texts by Shaw had been previously registered.

81. On May 6, 1993, Sam Shaw filed a Copyright Registration Application and received from the Register of Copyrights a Registration Certificate VAU251-871 for a work entitled "From the Flying Skirt Series of Seven Year Itch" comprised of two photographs. Shaw claimed the work was completed in 1954 and had never been previously registered.

82. On April 27, 1993, Sam Shaw filed a Copyright Registration Certificate and received from the Register of Copyrights Form VAU250-941 for a work entitled "From the Flying Skirt Series and Bath Scene of Seven Year Itch" identified as nine photographs which Shaw claimed were completed in 1954 and not previously registered or published.

83. The document produced by SFA as SFA00481 is a copy of the deposit copy of "Flying Skirt, Profile" registered under number VA567-136.

84. SFA document SFA00470 through 472 constitutes a copy of the certified copy of the work "From the Flying Skirt Series of Seven Year Itch" registered under No. VAU251871.

85. SFA document SFA00473 through 480 a copy of a certified copy of "From the Flying Skirt Series & Bath Scene of Seven Year Itch" registered under No. VAU250941.

86. On June 11, 1996, Sam Shaw registered a work entitled "Sam Shaw Favorite Cards & Images" which was identified as one set of cards and received from the Register of Copyrights Form VA848-026.

87. Shaw identified the work as completed in 1954 but not previously registered and first published on January 1, 1996. Shaw did claim that one image had been previously registered and was the first registration for all remaining images.

88. On March 2, 1998, Shaw registered the work entitled "Marilyn at Window" and received from the Register of Copyrights Form VAU426-361 for a photograph which Shaw claimed was completed in 1954 and previously registered under Form TX51061 in 1978 and TX376-054 in 1979.

89. SFA document SFA00452 through 0456 constitutes copies of the work "Marilyn at Window".

90. On July 20, 2001, Edith Shaw Marcus and Meta Shaw Stevens registered "Sam Shaw's Americana: Series 1" and received from the Register of Copyrights Form VAU520-380 for photographs which would claim to have been created and completed between 1938 and 1952 and never previously registered or published.

91. On July 20, 2001, Edith Shaw Marcus and Meta Shaw Stevens filed a Copyright Registration Application for "Sam Shaw's People and Places: Series 1" and received from the Register of Copyrights Form VAU520-381 for photographs created and completed between 1954 and 1969 which had never previously been published or registered.

92. On July 20, 2001, Edith Shaw Marcus and Meta Shaw Stevens registered "Sam Shaw's Cinema and Celebrities: Series 1" and received from the Register of Copyrights Form

VAU520-382 for works created and completed by Sam Shaw between 1945 and 1983 and not previously registered or published.

**Rights Claimed by Shaw Family Archives**

93. Larry Shaw submitted an undated Notice of Claimed Infringement to Ebay, Inc. regarding items No. 3250580870 and 3250566671, identified as copyrighted registered photo of Marilyn Monroe taken by Sam Shaw. Larry Shaw claimed to be the owner or agent authorized to act on behalf of the owner of IP rights.

94. Larry Shaw submitted an undated Notice of Claimed Infringement to Ebay, Inc. regarding item 3361709013, identified as a tin sign with copyrighted registered photo of Marilyn Monroe. SFA identified the Notice of Claimed Infringement and the allegedly infringing material in document SFA00349 through 352.

95. Larry Shaw sent a Notice of Claimed Infringement to Ebay, Inc. for items No. 3358657314 and 3358657051 identified as photos of Marilyn Monroe and copyrighted by Sam Shaw, Shaw Family Archives, Ltd. SFA has identified the Notice of Claimed Infringement and Alleged Infringement in documents SFA0356, 00367 through 00370. SFA has also identified other purportedly infringing materials under SFA00375 through 00387 and 00446 through 00448, and 00449 through 00451.

96. Larry Shaw sent a Notice of Claimed Infringement dated June 2, 2003 to Ebay, Inc. for items No. 3225801636, 3225800770 and 3226261002 identified as three photos of Marilyn Monroe copyrighted and registered in the United States Copyright Office. Shaw identified Larry Shaw (Shaw Family Archives, Ltd.) as the owner or agent authorized to act on behalf of the owner of the IP rights.

97. On June 3, 2003, Larry Shaw on Shaw Family Archives, Ltd. letterhead sent a letter to Ebay reaffirming his notice of prior claimed infringements.

98. On June 3, 2003, Larry Shaw sent a Notice of Claimed Infringement o Ebay for items No. 3226952680 and 3226261002.

99. Larry Shaw sent an undated Notice of Claimed Infringement to Ebay for items no. 3359447495, 3358658048 and 3357928291 identified as copyrighted and registered photos of Marilyn Monroe taken by Sam Shaw.

100. On December 21, 2004, Larry Shaw sent a Notice of Claimed Infringement to Ebay for items numbered 6731257728, 2294969245, 3861323149, 6500024526, 6731199321, 6731055105, 6730592522, 6730176508, 3948258488, 3438965290, 3861269385, 6730592522, 6731055484, 6731257774, and 6140596546 identified as copyrighted photos of Marilyn Monroe for use without license or permission.

101. On January 19, 2005, Larry Shaw sent a Notice of Claimed Infringement to Ebay for Items No. 6737325372, 6737325069, 673324528, 673732442, 6737324246, 6737319818, 6737318099, 6737080263, 6505987531, 6506139015, 6506150463, 6506218015, 6506340113, 6506354164, 65064164089, 6506538037, and 650655187 which are identified as commercial products without license using copyrighted photos of Marilyn Monroe.

102. On February 20, 2007, Michelle Minieri, Senior VP, Managing Director of Bradford Licensing Associates sent a letter to Eric Epstein, VP Licensing of Romar International stating that the "Shaw Family Archives owns the copyrights in the Marilyn Monroe photographs that are the subject of the Program." Ms. Minieri represented that both Bradford Licensing Associates and the Shaw Family Archives have conferred with our respective attorneys to verify that the Shaw Family Archive copyrighted Marilyn Monroe images and related rights are proper,

and do not infringe on the rights/trademarks claimed by the Estate of Ms. Monroe and/or their licensing representatives.

103. Shaw Family Archives Ltd. entered into a License Agreement with Scandecor Marketing granting Scandecor the non-exclusive right to use the photo of Marilyn Monroe identified in SFA document 00523 for a period from March 1, 2004 through February 28, 2006 in the United States and Europe. Shaw Family Archives required that Scandecor include a copyright notice as follows: “© Sam Shaw/Shaw Family Archives”.

104. The work which is the subject of the Shaw Family Archives/Scandecor Lessor Agreement was first published in the Rizzoli book, “Marilyn Monroe. The Life. The Myth.”

105. On June 8, 2006, Larry Shaw sent a Notice of Claimed Infringement to Ebay for Items Numbered 7625531389, 7626267553, 7626268929, 7626809919, 7626811894, 7626815894, 7626817321, 7626820281, and 7626821775 which are identified as “this original vintage print was and is the property of Sam Shaw, now the Estate of Sam Shaw. It has been taken from the files of Look Magazine without authority and demand is hereby made for its return to Shaw Family Archives, Ltd. SFA has identified the Notice of Claimed Infringement and the Alleged Infringing Works in documents SFA00337 through 00340.

106. On June 2, 2003, Larry Shaw on behalf of Shaw Family Archives wrote to Karen Ewing at Mattel, Inc. regarding “Sam Shaw photographs of Marilyn Monroe used in packaging of Mattel Marilyn Collectible Doll. As alleged proof of ownership, Mr. Shaw included a copy of the book jacket cover of “Marilyn Among Friends” specifically identifying Page 46 of Bloomsbury Edition, a double page photo showing a full picture of photograph used in Mattel packaging used for Marilyn Doll and Page 49 Bathtub Scene from same shooting as photo used by Mattel. SFA also identified a Certificate of Registration for “Marilyn Among Friends”, an

Assignment of Copyright for Registration TX2-400-879 to Sam Shaw by Patricia Rosten, a copy of a Sam Shaw photograph from "The Seven Year Itch" of Marilyn Monroe and Tom Ewell showing the full and complete photograph of one of the photos used by Mattel and a copy of a contact sheet from Sam Shaw's photographic coverage of that bathtub scene from "Seven Year Itch" and 12 4x6 copies of photos of that shot.

107. On September 27, 2003, Larry Shaw on behalf of Shaw Family Archives sent a letter to Bonnie Begin at Twentieth Century Fox regarding a Sam Shaw photograph of Marilyn Monroe used in packaging, promotion, sale and distribution of Twentieth Century Fox Diamond Collection Volume 1 – DVD Item 2001402. In SFA's letter, Mr. Shaw claims ownership of certain photographs taken by Sam Shaw "during the shooting of "The Seven Year Itch".

108. On February 28, 2004, Len Reiter of Bradford Licensing Associates sent an email to A. Richmond at BSNYC.com. The email states: "Also, our client has just informed us that all of the images we will need to have a copyright notice referring to the photos owned by the Shaw Family Archives or Valhalla Productions, depending on which photos are used. He has told us that since Marilyn Monroe's name is in the public domain, we can use her name in association with these photographs, which is also excellent news."

109. On July 28, 2005, David M. Marcus wrote to the New York Post regarding the use of Sam Shaw's Marilyn Monroe photograph in July 13, 2005 New York Post article. Mr. Marcus states that he represents Shaw Family Archives Ltd. and that "SFA owns the right to market/license all photographic images taken by the photographer Sam Shaw. Mr. Marcus continues by stating that Sam Shaw was hired by Charles Feldman the producer of "The Seven Year Itch" for the purpose of creating publicity for the film and that Sam Shaw's "Flying Skirt Series" from that film [has] become iconographic for Marilyn Monroe in the 1950's. Mr.

Marcus identifies the photographic image by referring the New York Post to the image as it appeared in "Marilyn Among Friends".

110. On January 30, 2006, Larry Shaw on behalf of Shaw Family Archives, Ltd. wrote to Kenneth R. Powell, Manager, Rights & Clearances at MSNBC regarding the use of Sam Shaw's Marilyn Monroe photographs by MSNBC in the Dan Abramas Report and Scarborough Country on November 4, 2005. Mr. Shaw similarly claims ownership of such photographs. The Larry Shaw letter and the identification of the specific photographs found in SFA00563 through 00572. Mr. Shaw identifies "the exact same image used by MSNBC" as being first published in the book "Marilyn Monroe as the Girl."

111. On November 8, 2005, Larry Shaw sent an email to Ken Powell of MSNBC again specifically identifying the photograph which he claims was infringed by MSNBC. A copy of the email and the photograph are identified on SFA document 00561 through 562.

112. On December 27, 2005, Michelle Minieri sent an email to R.M. Foerster regarding jewelry licensing stating that "our program, The Shaw Family Archives, licenses out Marilyn's images owned by Shaw Family."

113. The Shaw Family Archive maintains a website which displays certain photographs of Marilyn Monroe. Each photograph is accompanied by a copyright notice © Shaw Family Archives 2002.

114. Certain of the photographs depicted on the Shaw Family Archive website were previously published in "Marilyn Monroe as the Girl" and "Marilyn Monroe. The Life. The Myth."

115. On December 13, 2007, Gary Adelman, Esq. of Robinson Brod Leinwand Greene Genovese & Gluck wrote to Jeong-Ho Lee of CMG Worldwide stating that he is counsel to

Shaw Family Archives Ltd. “the holder of all worldwide rights, including Korea, in the photos taken by Sam Shaw and Larry Shaw during the course of their professional careers as photographers.” Mr. Adelman continued: “We hereby demand that you cease and desist any further attempts to restrain our clients from exercising their rights in the photographs in Korea or elsewhere. Failure to comply with the demands herein will result in such action as is necessary for our client pursue the full scope of legal remedies available to them.”

## IV. PARTIES' CONTENTIONS

### A. Plaintiff / Counterclaim Defendant's Contentions

[To be Inserted]

### B. Defendant / Counterclaim Plaintiff's Contentions

[To be inserted]

## V. ISSUES TO BE TRIED

[To be inserted]

## VI. PLAINTIFFS / CONSOLIDATED DEFENDANTS' EXHIBITS

[To be inserted]

## VII. DEFENDANTS / CONSOLIDATED PLAINTIFFS' EXHIBITS<sup>1</sup>

<u>Ex. No.</u>	<u>Document</u>	<u>ID/Source</u>
DX1	Complaint, dated April 19, 2005, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Court filing

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<sup>1</sup> Defendants / Consolidated Plaintiffs' Exhibit List sets forth exhibits that Defendants / Consolidated Plaintiffs may offer in their cases in chief. These lists do not include exhibits Defendants / Consolidated Plaintiffs may introduce for rebuttal, impeachment, cross-examination, or to refresh recollection, nor do they include graphics, summaries or other demonstrative materials that may be introduced at trial. Defendants / Consolidated Plaintiffs reserve the right to use any exhibits from Plaintiffs / Consolidated Defendants' Exhibit List. Defendants / Consolidated Plaintiffs reserve the right to withdraw any exhibit(s) from the Exhibit List for any reason, including, without limitation, any ruling(s) of the Court. In addition to the documents listed on this Exhibit Lis, Defendants / Consolidated Plaintiffs reserve the right to use any pleadings, briefs, or other documents of record filed in this lawsuit as exhibits. Defendants / Consolidated Plaintiffs further reserve the right to object to the use at trial by any party of any document based upon the inclusion of that document on either Exhibit List. Defendants / Consolidated Plaintiffs reserve the right to offer at trial other documents or exhibits not listed on this Exhibit List, based on unforeseen developments or changes occurring after the submission of the Exhibits List to the Court.

DX2	Amended Complaint, dated May 9, 2005, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Court filing
DX3	Shaw Family Archives, Ltd. and Bradford Licensing's Answer to the Third Amended Complaint, dated August 24, 2007	Court filing
DX4	Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Response to the SFA Parties' Rule 56.1 Statement, dated December 22, 2006, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Court filing
DX5	Response to MMLLC's Statement of Facts, dated January 15, 2007	Court filing
DX6	Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Response to Plaintiffs/Consolidated Defendants' Supplemental Statement of Facts, dated April 13, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Court filing
DX7	Second Amended Complaint, dated August 8, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Court filing
DX8	Defendant/Counterclaim Plaintiff Marilyn Monroe, LLC's Second Set of Document Requests to Plaintiffs/Consolidated Defendants, dated July 17, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX9	Plaintiffs/Consolidated Defendants' Responses and Objections to Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Second Set of Document Requests, dated August 24, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX10	Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's First Set of Interrogatories to Plaintiffs/Consolidated Defendants, dated January 11, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX11	Plaintiffs/Consolidated Defendants' Responses and Objections to Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's First Set of Interrogatories, dated March 2, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX12	Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Third Set of Document Requests to Plaintiffs/Consolidated Defendants, dated October 30, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United	Discovery document

	States District Court, Southern District of New York	
DX13	Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Second Set of Interrogatories to Plaintiffs/Consolidated Defendants, dated October 30, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX14	Plaintiffs/Consolidated Defendants' Responses and Objections to Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Third Set of Document Requests, dated November 29, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX15	Plaintiffs/Consolidated Defendants' Responses and Objections to Defendant/Consolidated Plaintiff Marilyn Monroe, LLC's Second Set of Interrogatories, dated November 30, 2007, in <i>Shaw Family Archives, Ltd., et al., v. CMG Worldwide, Inc., et al.</i> , 05 CV 3939, United States District Court, Southern District of New York	Discovery document
DX16	Randall Riese and Neal Hitchens, <u>The Unabridged Marilyn Her Life from A to Z</u> , (Congdon & Weed, Inc. 1987)	Publicly Available
DX17	Donald Spoto, <u>Marilyn Monroe: The Biography</u> , (Harper Collins 1993)	Publicly Available
DX18	Adam Vicot, <u>The Complete Marilyn Monroe</u> , (Thames & Hudson Ltd 1999)	Publicly Available
DX19	Norman Rosten, <u>Marilyn: An Untold Story</u> , (Signet, 1973)	Publicly Available
DX20	Eunice Murray and Rose Shade, <u>Marilyn: The Last Months</u> (Pyramid 1975)	Publicly Available
DX21	<u>Marilyn Monroe. The Life. The Myth.</u> (Rizzoli New York 1995)	Publicly available; MMLLC (Shaw) 000001-322; Melissa Stevens Depo. Ex. 2
DX22	<u>Marilyn Monroe as The Girl</u> , (Ballantine Books 1955)	Publicly available; MMLLC (Shaw) 000323-388; Melissa Stevens Depo. Ex. 10
DX23	Norman Mailer, <u>Marilyn: a Biography</u> , (Grosset & Dunlap 1973)	Publicly available
DX24	<u>Marilyn Monroe: In the Camera Eye</u> (Hamlyn Publishing Group Limited 1979)	Publicly available
DX25	Sam Shaw and Norman Rosten, <u>Marilyn Among Friends</u> , (Bloomsbury Publishing	Publicly available; Melissa Stevens

	Ltd. 1987)	Depo. Ex. 14
DX26	Phillip K. Scheffer, "Wolves Howl for 'Niece' Just Like Marilyn Monroe," <u>Los Angeles Times</u> , August 27, 1950	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab Q; MM 36246-49
DX27	"Question: Dumb blonde or bluntly honest?", <u>Cosmopolitan</u> , May 1953	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab N; MM0036238-41
DX28	"Merger of Two Worlds: Marilyn and Joe Find a Secret Wedding is Not for Them", <u>Life</u> , January 25, 1954, pgs 32-33	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab G; MM0036201-03
DX29	"Marilyn Monroe, DiMaggio Married," <u>Los Angeles Examiner</u> , January 15, 1954, A1	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab H; MM0036204-07
DX30	"Storybook Romance," <u>Time</u> , January 25, 1954, pg. 108	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab P; MM0036244-45
DX31	Jack Hamilton, "Marilyn's new life," <u>Look</u> , October 1, 1957, pgs. 110-115	Publicly available; MMLLC (Shaw) 00419-24 (without magazine cover); MMLLC (Shaw) 000557-568 (with cover)
DX32	Louella O. Parsons, "Marilyn's Starting New Aim in Life: Have Fun," <u>Los Angeles Examiner</u> , June 25, 1961	Publicly available; MMLLC (Shaw) 000552  (copy of article, as

		published in a different, unidentified newspaper, previously produced at MM0009444)
DX33	Hedda Hopper, "Will a New Marilyn be Waiting in Wings," <u>Los Angeles Times</u> , Calendar Section, July 16, 1961	Publicly available; MMLLC (Shaw) 554-56
DX34	Frank Laro and Bill Beebe, "Mystery Phone Call Received by Marilyn," <u>Los Angeles Times</u> , August 7, 1962	Publicly available; MMLLC (Shaw) 000571-77
DX35	"Few Relatives, Friends to Attend Marilyn Rites," <u>Los Angeles Times</u> , August 7, 1962	Publicly available MMLLC (Shaw) 000571-77
DX36	"Simple Rites for Marilyn," <u>Los Angeles Evening and Sunday Herald Examiner</u> , August 7, 1962	Publicly available; MMLLC (Shaw) 000553
DX37	"Hunt Mystery Friend in Last Marilyn Phone Call, " <u>Los Angeles Evening and Sunday Herald Examiner</u> , August 7, 1962	Publicly available MMLLC (Shaw) 000553-553(e)
DX38	"Joe's Plan to be Near Marilyn," <u>San Francisco Chronicle</u> , August 14, 1962	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab I; MM0036208-11
DX39	Richard Meryman, "A Last Long Talk With a Lonely Girl," <u>Life</u> , August 17, 1962, pgs. 32-33	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab J; MM0036212-17
DX40	Walter Bernstein, "Marilyn Monroe's Last Picture Show," <u>Esquire</u> , July 1973, pgs. 104-08, 173	Declaration of Michelle Craven, 12/22/06, Exhibit 1

		at Tab L; MM0036225-32
DX41	Maurice Zolotow, "Marilyn's confidante: The woman Mailer forgot to interview", <u>Chicago Tribune</u> , September 11, 1973	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab M; MM0036233-36
DX42	Robert Welkos and Ted Rohrlich, "Marilyn Monroe Mystery Persists," <u>Los Angeles Times</u> , September 29, 1985	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab R; MM0036250-55
DX43	Richard Meryman, "Marilyn Monroe: The Last Interview," <u>Life</u> , August 1992, pgs. 72-78	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab K; MM0036218-24
DX44	Marilyn Monroe Birth Certificate	MC008619-21
DX45	October 23, 1944 letter from Anna Lower to Mrs. James E. Dougherty	MC001771-75
DX46	August 8, 1962 letter from Ida Bolender to Berniece Miracle	MC000965-66
DX47	August 24, 1946 Agreement between Twentieth Century Fox Film Corporation and Norma Jeane Dougherty	MMLLC (Shaw) 00519-35
DX48	Order Approving Minor's Contract to Render Services as Actress, dated September 17, 1946	MMLLC (Shaw) 00517-18
DX49	December 3, 1946 Letter Agreement between Twentieth Century Fox Film Corporation and Marilyn Monroe	MMLLC (Shaw) 00536
DX50	June 11, 1947 letter agreement from Marilyn Monroe to Twentieth Century Fox	MC001797
DX51	March 2, 1949 Agreement between Marilyn Monroe and William Morris Agency, Inc.	MM0010284-85; MC006983-98
DX52	March 8, 1949 Contract between Marilyn Monroe and William Morris Agency, Inc.	MC001807-09
DX53	State of California Department of Motor Vehicles, 1950 Automobile Certificate of Ownership, with annexed Owner Service Policy	MM0010373-77
DX54	Decree of Divorce, Eighth Judicial District Court of the State of Nevada, Norma	MM0000036-39

	Jeane Dougherty v. James Edward Dougherty	
DX55	December 5, 1950 Contract between Marilyn Monroe and William Morris Agency, Inc.	MC006988-93
DX56	April 11, 1951 Agreement between Twentieth Century Fox Film Corporation and Marilyn Monroe	MM0002146-62
DX57	Marilyn Monroe 1951 US Individual Income Tax Return	MM0010419-23
DX58	Marilyn Monroe 1951 California Individual Income Tax Return	MM0010424-27
DX59	Marilyn Monroe 1952 U.S. Individual Income Tax Return	MM0010411-14
DX60	Marilyn Monroe 1952 California Individual Income Tax Return	MM0010415-18; MM0010520-21
DX61	Marilyn Monroe 1953 US Individual Income Tax Return	MM0010309-17
DX62	Marilyn Monroe 1953 California Individual Income Tax Return	MM0010318-25
DX63	Marilyn Monroe 1954 US Individual Income Tax Return	MM0010292-98
DX64	Marilyn Monroe 1954 California Individual Income Tax Return	MM0010303-08
DX65	Invoice from Lefkowitz & Burke, Certified Public Accountants	MC000578
DX66	Marilyn Monroe Bank of America account statements	MC006588-6631; MC006641-42; MC006652-66; MC006768-90
DX67	June 25, 1953 letter from Loyd Wright, Jr. to Marilyn Monroe	MC008635
DX68	Deeco, Inc. Delivery Memo, Delivery to J. DiMaggio (Marilyn Monroe), 508 N. Palm Drive, Beverly Hills	MC012274
DX69	April 29, 1954 lease agreement between Cecil C. Hutchens and Charlotte Hutchens and Marilyn Monroe DiMaggio	MC005818-20
DX70	Collection of Marilyn Monroe receipts and disbursements, 1954	MC012572-74; MC012646-55; MC012670-80
DX71	Marilyn Monroe receipts for furniture purchases	MC012287-88
DX72	June 24, 1954 Letter from Loyd Wright, Jr. to Marilyn DiMaggio	MC001106-07

DX73	Western Union wire from Twentieth Century Fox Film Corp. to Marilyn Monroe	MC006962
DX74	Marilyn Monroe November 3, 1954 check to Alfred Hayes	MC004517
DX75	Marilyn Monroe passport information	MC003879-80
DX76	Marilyn Monroe receipts and disbursements, 1955	MC012681-84; MC012662-64
DX77	Collection of Marilyn Monroe phone bills	MC000082-87; 89-91; 95-105; 114-117
DX78	April 3, 1956 Agreement between Inez Melson and Marilyn Monroe Productions	MC006556-57
DX79	October 5, 1956 letter from Inez Melson to Joseph Carr	MC006572
DX80	Marilyn Monroe / Arthur Miller Divorce Decree	MM0011889-95
DX81	July 11, 1958 letter from Ray Stark to Marilyn Monroe	MC000416-18
DX82	July 15, 1958 letter from Marilyn Monroe Miller to Saks Fifth Avenue	MC002709
DX83	September 18, 1958 letter from Inez Melson to Marilyn Monroe	MC001703
DX84	June 3, 1958 Receipt from Torrington Supply Co.	MC004894
DX85	October 31, 1958 Receipt from Bridgeport Specialties, Inc.	MC004795-96
DX86	November 3, 1958 Receipt from Anchor Carpet & Linoleum, Inc.	MC004826
DX87	November 22, 1958 Receipt from Meadowview Nursey	MC000827
DX88	Receipts from Albert W. Meserve Co. United Arborists	MC003413-14
DX89	Marilyn Monroe's Declaration of Trust for Gladys Baker, dated October 26, 1959	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab T  MM0011942-51
DX90	May 29, 1960 agreement between MCA Artists Ltd. and Marilyn Monroe	MM0010269-75
DX91	Warrante Deed, Marilyn Monroe Miller to Arthur Miller, January 19, 1961	MM0011898-99
DX92	September 27, 1961 letter from Elliot J. Lefkowitz to Marjorie Stengel, attaching	MC006216-20

	letter agreement and rider to lease	
DX93	Marilyn Monroe Blue Cross Identification Card	MC003538-39
DX94	Marilyn Monroe Beverly Hills Hotel receipts	MC001532, 1559-71
DX95	January 5, 1960 Invoice from Rex Inc. to Marilyn Miller	MC001963
DX96	December 2, 1959 Invoice from Teitelbaum Somper Furs to Mrs. Arthur Miller	MC002065
DX97	April 20, 1960 letter from Helen D. Bensen to May Reese	MC002154
DX98	Invoices from Robert Hanley Incorporated	MC 002527-30
DX99	April 26, 1961 letter from Aaron Frosch to Julian Beck	MC005929
DX100	May 16, 1961 letter from Aaron Frosch to Inez Melson	MC006234
DX101	June 10, 1961 letter from Aaron Frosch to Elsa Shelley	MC006223
DX102	November 6, 1961 letter from Aaron Frosch to Milton Rudin	MC012752
DX103	November 6, 1961 letter from Aaron Frosch to Rovins & West, Inc.	MC012744
DX104	November 13, 1961 letter from Aaron Frosch to Milton Rudin	MC006062-63
DX105	November 30, 1961 letter from Julius Winokur to State of New York Department of Taxation and Finance	MM0011806
DX106	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, January 1962	MC012580-87
DX107	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, February 1962	MC012588-97
DX108	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, March 1962	MC012559-71
DX109	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, April 1962	MC012598-611
DX110	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, May 1962	MC012612-23

DX111	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, June 1962	MC012624-33
DX112	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, July 1962	MC012634-44
DX113	Marilyn Monroe Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, August 1962	MC003707-11
DX114	Schedule of Rental Payments, 882 No. Doheny Drive	MC005713
DX115	Invoices to Marilyn Monroe from TWL Designs, Inc.	MC005727-35
DX116	February 5, 1962 agreement between Marilyn Monroe and TWL Designs, Inc.	MC005721-26
DX117	January 30, 1962 letter from Department of Water & Power	MC000540
DX118	June 4, 1962 letter from Cherie Redmond to Jack Ostrow	MC012165-66
DX119	Letter from City National Bank to Inez Melson	MC010092-93
DX120	City National Bank of Beverly Hills, Spreadsheet re payment of principal and interest due	MC010082
DX121	Copy of Certified Grant Deed to Marilyn Monroe's house in Brentwood, CA, dated January 22, 1962 and recorded on February 8, 1962 in the Los Angeles County Recorder's Office	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab C; MM0036192
DX122	Marilyn Monroe State of Connecticut Motor Vehicle Operator's License	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab F; MM0010378
DX123	Copy of City of Los Angeles Department of Animal Regulation Dog License and Certificate of Rabies Vaccination	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab D; MM0009174-76
DX124	May 25, 1962 memo from Cherie Redmond to Jack Ostrow	MC012193-95
DX125	Marilyn Monroe 1962 itinerary	MC001672
DX126	February 2, 1962 letter from Marilyn Monroe to Bobby Miller	MC012122-25

DX127	February 2, 1962 letter from Marilyn Monroe to Isidore Miller	MC005788-89
DX128	February 9, 1962 letter from Aaron Frosch to Rovins & West, Inc.	MC006026
DX129	February 9, 1962 letter from Cherie Redmond to Milton Rudin	MC000264-66
DX130	Letter from 444 Management Co. to Marilyn Monroe	MMLLC (Shaw) 000539
DX131	Letter from Hedda Rosten to Cherie Redmond	MC002751
DX132	Letter from Cherie Redmond to Hedda Rosten	MC001631
DX133	Letter from Cherie Redmond to Hedda Rosten	MC001630
DX134	February 9, 1962 letter from Aaron Frosch to Rovins & West, Inc.	MC006338
DX135	February 13, 1962 letter from Payson Wolff to Cherie Redmond	MC006027
DX136	February 16, 1962 letter from Howard LeShaw to Kelvin, Miller, Meyer & Sachs	MC006337
DX137	February 22, 1962 letter from Hedda Rosten to Cherie Redmond	MC001638
DX138	February 24, 1962 letter from Hedda Rosten to Cherie Redmond	MC006181
DX139	February 25, 1962 letter from Cherie Redmond to Hedda Rosten	MC001639-40
DX140	February 25, 1962 letter from Cherie Redmond to Julius Winokur	MC011642-43
DX141	February 28, 1962 letter from Ebenstein and Company to City National Bank of Beverly Hills	MC006021
DX142	February 28, 1962 letter from Ebenstein and Company to Marilyn Monroe	MC006034
DX143	February 28, 1962 letter from Cherie Redmond to Hedda Rosten	MC001625-26
DX144	Collection of receipts relating to Marilyn Monroe Brentwood home	MC011657-703
DX145	March 5, 1962 letter from Jean Pierre Piquet to Patricia Newcomb, attaching invoice	MC000273-74
DX146	March 7, 1962 letter from Cherie Redmond to Martin Gang	MC004358
DX147	March 8, 1962 letter from Cherie Redmond to Hedda Rosten	MC003985
DX148	March 12, 1962 letter from Martin Gang to Julius Winokur	MC001868
DX149	March 15, 1962 letter from Cherie Redmond to Hedda Rosten	MC001619-20

DX150	March 16, 1962 letter from Secretary to Miss Marilyn Monroe to Ebenstein and Company	MC006044
DX151	March 20, 1962 letter from Martin Gang to Julius Winokur	MC001869-70
DX152	Documents relating to transfer of 1956 Ford Thunderbird	MMLLC (Shaw) 00540-44
DX153	Marilyn Monroe 1962 Screen Actors Guild Membership Card	MC001034-35
DX154	May 22, 1962 receipt to Marilyn Monroe from Screen Actors Guild	MC001040-41
DX155	March 26, 1962 letter from Secretary to Miss Marilyn Monroe to the Actors' Studio	MC012458-59
DX156	March 26, 1962 letter from Cherie Redmond to the Actors' Studio	MC012459
DX157	April 4, 1962 letter from Cherie Redmond to the Actors' Studio	MC004278
DX158	April 5, 1962 letter from Secretary to Miss Marilyn Monroe to the Screen Actors Guild	MC002840
DX159	10-Year Warranty for Day & Night Armored Jetglas Water Heater	MC005741
DX160	Warranty for Hotpoint Combination Refrigerator-Freezer	MC005745-48
DX161	April 3, 1962 letter from Mickey Rudin to Marilyn Monroe	MC012757-58
DX162	April 9, 1962 letter from Mrs. Harry Brand to Marilyn Monroe	MC007885-86
DX163	April 10, 1962 letter from Secretary to Miss Marilyn Monroe to Rovins & West, Inc.	MC006042-43
DX164	April 13, 1962 letter from Rovins & West, Inc. to Cherie Redmond	MC006328-29
DX165	April 16, 1962 letter from Ebenstein & Company to Marilyn Monroe	MC006054
DX166	April 23, 1962 letter from Julius Winokur to Cherie Redmond	MC011636
DX167	April 27, 1962 letter from Cherie Redmond to Hedda Rosten	MC001604
DX168	May 9, 1962 letter and receipts from Edgardo Acosta Gallery to Marilyn Monroe	MC005882-85
DX169	May 11, 1962 letter from Cherie Redmond to Hedda Rosten	MC001627-28
DX170	May 14, 1962 memo from Cherie Redmond to Mickey Rudin	MC010874
DX171	May 21, 1962 letter from Secretary to Miss Marilyn Monroe to Lillian Klein	MC006056
DX172	June 6, 1962 letter from Cherie Redmond to Ebenstein and Company	MC006035-36

DX173	June 13, 1962 letter from Secretary to Miss Marilyn Monroe to Connecticut Department of Motor Vehicles	MC006019
DX174	June 13, 1962 memo from Cherie Redmond to Milton A. Rudin	MC010872
DX175	June 14, 1962 letter from Rovins & West, Inc. to Cherie Redmond	MC006051
DX176	June 18, 1962 letter from Hedda Rosten to Cherie Redmond	MC001636
DX177	June 26, 1962 letter from Hedda Rosten to Cherie Redmond	MC001632
DX178	Letter from Marilyn Monroe to Joe DiMaggio	MC007884
DX179	July 3, 1962 letter from Eunice Murray to Western Union	MC002716
DX180	July 13, 1962 letter from Milton A. Rudin to Marilyn Monroe	MC011611-12
DX181	July 31, 1962 letter from Hedda Rosten to Cherie Redmond	MC001629
DX182	July 26, 1962 letter from Decorama, S.A. to Eunice Murray	MC000016-17
DX183	July 30, 1962 letter from La Previsora, SA to Cherie Redmond	MC012449-57
DX184	Collection of receipts from Marilyn Monroe Mexico Trip	MC012476-85
DX185	Marilyn Monroe Death Certificate	MMLLC (Shaw) 00538
DX186	August 8, 1962 Notice re Marilyn Monroe Funeral Service	MC004210
DX187	Transcript of Lee Strasberg eulogy of Marilyn Monroe	MC004212-13
DX188	List of individuals invited to attend Marilyn Monroe Funeral Service	MC004207-08
DX189	August 17, 1962 appraisal from John J. Donahue and Associates to Executor of Will of Marilyn Monroe	MC012077-93; MM009299-311
DX190	September 11, 1962 letter from Inez Melson to Aaron Frosch	MC004349-50
DX191	Estate of Marilyn Monroe – Unpaid Bills, September 6, 1962	MC004342-48
DX192	12305 Fifth Helena Drive, Renovations and Additions	MM0009180-81
DX193	Letters of Conservatorship, sworn to December 21, 1959, in the Superior Court of the State of California in and for the County of Los Angeles	MM0009390-92
DX194	August 9, 1962 Petition for Special Letters of Administration, No. 459835, in the	SFA00594-97; David Strasberg

	Superior Court of the State of California for the County of Los Angeles	Depo. Ex. 3
DX195	Letters of Administration, dated August 13, 1962, in the Superior Court of the State of California for the County of Los Angeles	MM0009494
DX196	West Los Angeles Patrol Statements	MC000048-52
DX197	April 1, 1963 letter to Aaron R. Frosch from State of New York, Department of Taxation and Finance	MM0056962
DX198	April 3, 1963 letter to Income Tax Bureau, Department of Taxation and Finance, from Howard O. LeShaw	MM0056963
DX199	April 11, 1963 letter from Mr. and Mrs. Edgar Rabey to Inez Melson	MC007136
DX200	April 15, 1963 letter from Inez Melson to Mr. and Mrs. Edgar Rabey	MC007138
DX201	July 11, 1963 letter from J. Emory Cross to Raymond Lee Kahn	MC007107-08
DX202	October 9, 1963 letter from Inez Melson to Hermione Brown	MC012333-42
DX203	Application for Lump-Sum Death Payment by Inez Melson, dated February 19, 1964, for the Department of Health, Education and Welfare of the Social Security Administration	Declaration of Michelle Craven, 12/22/06, Exhibit 1 at Tab E; MM0036196-99
DX204	April 22, 1966 letter from Controller of the State of California to Gang, Tyre, Rudin & Brown	MM0012365
DX205	May 17, 1966 letter from J. Emory Cross to Inez Melson	MC006740-41
DX206	September 21, 1966 letter from Hermione K. Brown to Inez Melson	MC012216
DX207	Interview with Inez Melson	MC4043-64
DX208	Interview with Arthur Miller	MC004034-42
DX209	Certificate of Formation of Marilyn Monroe, LLC	Anna Strasberg Declaration, 9/29/06, Exhibit A MM0036472
DX210	Assignment of Member's Interest, Marilyn Monroe, LLC	Anna Strasberg Declaration, 9/29/06, Exhibit B;

		MM0036473
DX211	Last Will and Testament of Lee Strasberg	Anna Strasberg Declaration, 9/29/06, Exhibit D; MM0000793-801
DX212	Last Will and Testament of Marilyn Monroe	Anna Strasberg Declaration, 4/13/07, Exhibit A; MM0000790-92
DX213	Limited Liability Company Agreement, Marilyn Monroe LLC	Anna Strasberg Declaration, 4/13/07, Exhibit E
DX214	Last Will and Testament of Sam Shaw	Exhibit A to Plaintiffs' Amended Complaint
DX215	October 4, 1994 Trust Agreement between Sam Shaw and Sam Shaw, Meta Stevens and Edith Marcus	SFA01005-32
DX216	April 22, 1998 Indenture of Trust	BL00045-59
DX217	November 8, 1995 Partnership Agreement, Woodner-Shaw Company	BL00060-72
DX218	January 26, 1992 letter from Estate of Ian Woodner to Sam Shaw	BL00041-44
DX219	Transcript of Settlement in <i>Marcus, et al. v. Bressler, et al.</i> , Index No. 123783/94, Supreme Court of the State of New York, County of New York: Civil Term	Exhibit E to Plaintiffs' Amended Complaint
DX220	November 23, 2004 Order of the Honorable Emily Jane Goodman in <i>Tunick v. Shaw</i> , 0116636/2003, in the Supreme Court of the State of New York, New York County	Publicly available; MMLLC (Shaw) 000649-656
DX221	Complaint in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the United States District Court, Southern District of New York	Publicly available; SFA 00982-89
DX222	Opinion and Order dated March 19, 1999, in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the United States District Court, Southern District of New York	Publicly available Melissa Stevens Depo. Ex. 4
DX223	Rizzoli Defendants' Supplemental Rule 56.1 Statement of Material Facts, dated March 26, 1998, in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the	Publicly available; MMLLC (Shaw)

	United States District Court, Southern District of New York	000578-89
DX224	Affidavit of Antonio Polito, dated December 8, 1997, in Support of the Rizzoli Defendants' Supplemental Motion for Partial Summary Judgment, in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the United States District Court, Southern District of New York	Publicly available; MMLLC (Shaw) 000590-604
DX225	Rule 56.1 Statement of Material Facts in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the United States District Court, Southern District of New York	Publicly available; Melissa Stevens Depo. Ex. 5; MMLLC (Shaw) 000605-623; MMLLC (Shaw) 000633-648
DX226	Summary of Plaintiffs' Claims to be Dismissed on Rizzoli Defendant's Motion for Summary Judgment and in Response to Plaintiff's Motion for Summary Judgment, dated May 26, 1998, in <i>Shaw v. Rizzoli Int'l Publications, Inc.</i> , 96 Civ. 4259, in the United States District Court, Southern District of New York	Publicly available; MMLLC (Shaw) 000624-628
DX227	Application for Registration of a Claim to Copyright in a Book Published in the United States of America, Registration No. A 193450	MMLLC (Shaw) 000389-90
DX228	Application for Registration of a Claim to Copyright in a Book Published in the United States of America, Registration No. A 193450	SFA00466-68
DX229	Additional Certificate of Registration of a Claim to Copyright, August 19, 1997	SFA01002-04
DX230	"High-Di-Ho for La Monroe," <u>New York Journal American</u> , September 16, 1954	Publicly available; MMLLC (Shaw) 000551
DX231	"Miss Monroe in Scene Over Subway Grating," <u>New York Herald Tribune</u> , September 16, 1954	Publicly available; MMLLC (Shaw) 000550
DX232	"It's Marilyn in a Breeze," <u>New York Post</u> , September 15, 1954	Publicly available; MMLLC (Shaw) 000548
DX233	Sheila Graham, "Marilyn and Joe, 'Bored,' to Divorce," <u>New York Daily Mirror</u> , October 5, 1954	Publicly available; MMLLC (Shaw) 000547
DX234	Photograph from <u>Tempo</u> , pg. 11, December 27, 1954	Publicly Available; MMLLC (Shaw) 000546

DX235	Photographs from <u>Modern Screen</u> , December 1955	Publicly available; MMLLC (Shaw) 00545
DX236	"Marilyn Before and After," <u>New York Post</u> , May 29, 1955	Publicly available; MMLLC (Shaw) 000549
DX237	Fred Zepp, "DiMag's Wrecked Romance, Some of the Reasons Why," <u>New York Daily Mirror</u> , October 5, 1954	Publicly available; MMLLC (Shaw) 000629
DX238	"Action! Camera! Marilyn!" <u>New York Daily News</u> , September 16, 1954	Publicly available; MMLLC (Shaw) 000570
DX239	Photograph from <u>World Telegram and Sun Saturday Magazine</u> , January 22, 1955	Publicly available; MMLLC (Shaw) 000630
DX240	Maurice Zolotow, "The Mystery of Marilyn Monroe," <u>American Weekly</u> , October 23, 1955	Publicly available; MMLLC (Shaw) 000631-32
DX241	Photograph from <u>New York Mirror</u> , August 26, 1957	Publicly available; MMLLC (Shaw) 000569
DX242	Copy of photograph printed from Library of Congress website, <a href="http://lcweb2.loc.gov/cgi-bin/query/r?pp/PPALL:@field(DOCID+@lit(97504562))">http://lcweb2.loc.gov/cgi-bin/query/r?pp/PPALL:@field(DOCID+@lit(97504562))</a>	N/A
DX243	Copyright Registration number TX 2-400-879, in "Marilyn Among Friends" by Sam Shaw and Norman Rosten	MMLLC (Shaw) 000395-96
DX244	Certificate of Recordation, June 18, 1998, Registration Number TX 2-400-879 – Assignment of Copyright	SFA00458-61
DX245	In reply to Bloomsbury Publishing Limited, Norman Rosten (Harold Ober Associates). Re: Letter of March 12, 1987 concerning "Marilyn Among Friends" Clause 5	SFA01091; Melissa Stevens Depo. Ex. 13
DX246	January 30, 1989 typewritten notes	SFA00528-29
DX247	Amended Complaint in <i>Sam Shaw v. St. Martin's Press, Inc., et al.</i> , 93 Civ. 2871, in the United States District Court, Southern District of New York	Publicly available; MMLLC (Shaw) 000682-706

DX248	Complaint, dated September 15, 1994, in <i>Shaw v. Bressler, et al.</i> , Index. No. 123783/94, in the Supreme Court of the State of New York, County of New York	Publicly available; MMLLC (Shaw) 000657-81
DX249	Copyright Registration number TX 51-061, in "Marilyn: A Biography" by Norman Mailer	MMLLC (Shaw) 000391-92
DX250	Copyright Registration number TX 376-054, in "Marilyn: A Biography" by Norman Mailer	MMLLC (Shaw) 000393-94
DX251	July 14, 2001 letter from David M. Marcus to Register of Copyrights, with attachments	SFA00001-167
DX252	November 21, 2007 letter from Edith Marcus to Library of Congress, Copyright Office, with attachments	SFA00995-1001
DX253	Certificate of Registration, July 20, 2001, Registration Number TX 5-342-425	SFA00464-65; MMLLC (Shaw) 000399-400
DX254	Copyright Registration in "Flying Skirt, Profile," April 27, 1993	MMLLC (Shaw) 000401-02
DX255	Copyright Registration number TX 4-289-054, in "Marilyn & Sam"	MMLLC (Shaw) 000397-98
DX256	Copyright Registration form for "Sam & Marilyn," dated May 31, 1996	SFA00991-92
DX257	Certificate of Registration for "Sam & Marilyn," Registration Number VA 880-127, June 4, 1996	SFA00993-94; Melissa Stevens Depo. Ex. 8
DX258	Copyright Registration for "Sam & Marilyn," Registration Number VA 880-127, June 4, 1996	MMLLC (Shaw) 000405-06
DX259	Copyright registration number VAu 251 871, in "From the Flying Skirt Series of Seven Year Itch," May 6, 1993	MMLLC (Shaw) 000409-10
DX260	Copyright registration number VAu 250 941, in "From the Flying Skirt Series & Bath Scene of Seven Year Itch," April 27, 1993	MMLLC (Shaw) 000407-08
DX261	Copyright certification and photocopies of work entitled "Flying Skirt, Profile," deposited in the Copyright Office with the claim of copyright registered under number VAu 567-136	SFA00481-83
DX262	Copyright certification and photocopies of work entitled "From the Flying Skirt Series of Seven Year Itch," deposited in the Copyright Office with the claim of	SFA00470-72

	copyright registered under number VAu 251-871	
DX263	Copyright certification and photocopies of work entitled "From the Flying Skirt Series & Bath Scene of Seven Year Itch," deposited in the Copyright Office with the claim of copyright registered under number VAu 250-941	SFA00473-80
DX264	Copyright Registration number VA 848-026, in "Sam Shaw Favorite Cards & Images," June 11, 1996	MMLLC (Shaw) 000403-04
DX265	Certificate of Registration for "Marilyn at the Window," with attachments, VAu 426-361, filed with the Copyright Office March 2, 1998	SFA 00462-63; 452-56
DX266	Copyright Registration for "Marilyn at Window," number VAu426-361, March 2, 1998	MMLLC (Shaw) 000411-12
DX267	Copyright Registration number VAu 520-380, in "Sam Shaw's Americana: Series 1," July 20, 2001	MMLLC (Shaw) 000413-14
DX268	Copyright Registration number VAu 520-381, in "Sam Shaw's People and Places: Series 1"	MMLLC (Shaw) 000415-16
DX269	Copyright Registration number VAu 520-382, in "Sam Shaw's Cinema and Celebrities: Series 1"	MMLLC (Shaw) 000417-18
DX270	Shaw Family Archives binder containing Marilyn Monroe copyright registration information, referenced at page 161, <i>et seq.</i> of continued deposition of Melissa Stevens, December 27, 2007	N/A
DX271	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 15
DX272	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 16
DX273	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 17
DX274	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 18
DX275	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 19
DX276	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 20
DX277	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens

		Depo. Ex. 21
DX278	Documents marked at continued deposition of Melissa Stevens, December 27, 2007	Melissa Stevens Depo. Ex. 22
DX279	Notice of Claimed Infringement from Larry Shaw to eBay Inc.	SFA00355
DX280	Notice of Claimed Infringement from Larry Shaw to eBay Inc., with attached printout from eBay internet site	SFA00349-52
DX281	Notice of Claimed Infringement from Larry Shaw to eBay Inc.	SFA00356
DX282	Printouts from eBay internet site produced from Shaw's files, <a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3326440851&amp;category=2323">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3326440851&amp;category=2323</a>	SFA00367-70
DX283	Printouts from eBay internet site produced from Shaw's files, <a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325491319&amp;category=18826">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325491319&amp;category=18826</a>	SFA00375-81
DX284	Printouts from eBay internet site produced from Shaw's files, <a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325350207&amp;category=200">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325350207&amp;category=200</a>	SFA00385-87
DX285	Printouts from eBay internet site produced from Shaw's files, <a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325382952&amp;category=18826">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3325382952&amp;category=18826</a>	SFA000446-48
DX286	Printouts from eBay internet site produced from Shaw's files, <a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3222740511&amp;category=14890">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=3222740511&amp;category=14890</a>	SFA00449-51
DX287	June 2, 2003 Notice of Claimed Infringement from Larry Shaw to eBay Inc.	SFA00364
DX288	June 3, 2003 letter from Larry Shaw to eBay Inc.	SFA00360
DX289	June 3, 2003 Notice of Claimed Infringement, from Larry Shaw to eBay Inc., with attached note	SFA000362-63
DX290	Notice of Claimed Infringement from Larry Shaw to eBay Inc., with attached email dated October 31, 2003 from eBay Customer support	SFA00353-54
DX291	December 21, 2004 Notice of Claimed Infringement, from Larry Shaw to eBay Inc.	SFA00343-44
DX292	January 19, 2005 Notice of Claimed Infringement from Larry Shaw to eBay Inc.	SFA00366
DX293	February 20, 2007 letter from Michelle Minieri to Eric Epstein	BL00030

DX294	License Agreement between Shaw Family Archives Limited and Scandecor Marketing AB	SFA00518-23
DX295	June 8, 2006 Notice of Claimed Infringement, from Larry Shaw to eBay Inc.	SFA00337-40
DX296	June 2, 2003 letter from Larry Shaw to Karen Ewing	SFA00516-17
DX297	October 10, 2003 facsimile from Larry Shaw to Bonnie Bogin	SFA00543-45
DX298	March 9, 2004 email from Daniel Siegel to Wes Zirkle	Mark Roesler Declaration, 12/22/06, Exhibit C
DX299	July 28, 2005 letter from David M. Marcus to the New York Post	SFA00573-74
DX300	January 30, 2006 letter from Larry Shaw to Kenneth Powell, with attachments	SFA00563-72
DX301	November 9, 2005 email from Ken Powell to Larry Shaw	SFA00561-62
DX302	December 27, 2005 email from Michelle Minieri to rmfoerster@aol.com	BL00028-29
DX303	July 21, 2003 email from Monica Zeitlin to Larry@spc-promotions.com	SFA00541-42
DX304	September 18, 2007 facsimile from Michelle Minieri to Whom it May Concern	BL00073-74
DX305	November 8, 2005 email from Larry Shaw to Kenneth R. Powell	SFA 00559
DX306	November 8, 2005 email from Ken Powell to larry@spc-promotions.com	SFA00560
DX307	Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , home page	N/A
DX308	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe A, photo 1 of 23	N/A
DX309	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe A, photo 3 of 23	N/A
DX310	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe A, photo 9 of 23	N/A
DX311	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe A, photo 20 of 23	N/A
DX312	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe B, photo 1 of 9	N/A
DX313	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-</a>	N/A

	promotions.com/, Marilyn Monroe B, photo 2 of 9	
DX314	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe B, photo 3 of 9	N/A
DX315	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe B, photo 4 of 9	N/A
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DX317	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe C, photo 2 of 20	N/A
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DX319	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe C, photo 19 of 20	N/A
DX320	Copy of photograph printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe C, photo 20 of 20	N/A
DX321	Copy of photographs printed from Shaw Family Archives website, <a href="http://www.spc-promotions.com/">http://www.spc-promotions.com/</a> , Marilyn Monroe D	N/A
DX322	Sam Shaw website, <a href="http://www.samshaw.com/">http://www.samshaw.com/</a> , home page	N/A
DX323	Sam Shaw website, <a href="http://www.samshaw.com/marilyn.htm">http://www.samshaw.com/marilyn.htm</a> , gallery of Marilyn Monroe images	N/A
DX324	Copy of photograph printed from Sam Shaw website, <a href="http://www.samshaw.com/mmimages/12.html">http://www.samshaw.com/mmimages/12.html</a>	N/A
DX325	Copy of photograph printed from Sam Shaw website, <a href="http://www.samshaw.com/mmimages/13.html">http://www.samshaw.com/mmimages/13.html</a>	N/A
DX326	Copy of photograph printed from Sam Shaw website, <a href="http://www.samshaw.com/mmimages/14.html">http://www.samshaw.com/mmimages/14.html</a>	N/A
DX327	Copy of photograph printed from Sam Shaw website, <a href="http://www.samshaw.com/mmimages/24.html">http://www.samshaw.com/mmimages/24.html</a>	N/A
DX328	December 13, 2007 letter from Gary Adelman, counsel for Shaw Family Archives, Ltd., to Jeong-Ho Lee, CMG Worldwide, Inc.	N/A

## **VIII. STIPULATIONS AND OBJECTIONS WITH RESPECT TO EXHIBITS**

Any objections not set forth herein will be considered waived absent good cause shown.

[The parties shall set forth any stipulations with respect to the authenticity and admissibility of exhibits and indicate all objections to exhibits and the grounds therefore]

[To be inserted]

## **IX. PLAINTIFF / COUNTERCLAIM DEFENDANT'S WITNESS LIST**

## **X. DEFENDANT / COUNTERCLAIM PLAINTIFF'S WITNESS LIST**

[To be inserted]

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## XI. RELIEF SOUGHT

[To be inserted]

Dated: New York, New York  
 January \_\_\_, 2008

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Colleen McMahon  
 United States District Judge

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